

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

-v-

ANTONIO GUERRERO,
EDWIN MALDONADO,
OMAR FLORES, and
JOHNNY CEDENO,

09 Cr. 339 (RWS)

Defendants.

-----X

RULE 29 MEMORANDUM ON BEHALF OF
ANTONIO GUERRERO

Antonio Guerrero submits this short memorandum of law in support of his expected motion for a judgement of acquittal. The Government has failed to support the jurisdictional requirement that the homicides charged in counts 1 and 2 of the indictment were committed while engaged in a narcotics conspiracy.

Prosecution on the conspiracy itself is barred by the statute of limitations therefore it is no longer punishable. See *United States v. Jones*, 101 F.3d 1263(8th Cir 1996), *United States v. Holland*, 3 F.Supp2d 1293, (N.D. Ala. 1998) *aff'd* 198

F.3d 263 (11th Cir. 1999)(table). But see *United States v. Martinez*, 2001 WL 1287040 (S.D.N.Y.).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'F. Cohn', followed by a horizontal line.

Frederick H. Cohn
Attorney for Antonio Guerrero
61 Broadway
Suite 1601
New York, NY 10006